

Remarks:

I. Introduction

In the Office Action mailed on August 8, 2008, the Examiner rejected claims 1 to 7, 10 to 14, and 17 to 20. The present amendment cancels no claims, amends claims 1, 7, 11, 13, and 18, and adds no new claims. Accordingly, claims 1 to 7, 10 to 14, and 17 to 20 remain pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 112

(a) The Examiner rejected claims 1 to 7, 10 to 14, and 17 to 20 under 35. U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states that the “specification states that the blade and the terminal are rigidly secured to the fixed support, but only discloses that they are within the slots of the mounting bracket”. The examiner also states that “it is unclear how the slots “secure” or directly secure” the blade and the terminal to the fixed support.”

In paragraph 25 of the specification, it is stated that “the first body 48 forms the first slot 52 which is sized and shaped to closely receive the attachment portion 32 of the switch terminal 26” and that “with the switch terminal 26 located partially in the first slot 52 in this manner, the switch terminal 26 is rigidly secured to the fixed support 12 without the use of mechanical fasteners.” The specification clearly indicates the terminal is secured by the close sizing of the slot. It is well known that two members can be secured together with a close or interference fit. It is not clear what more the examiner is looking for. It should be noted that this simple connection, eliminating the use of fasteners, is a significant advantage of the present invention over the prior art. Reconsideration and withdrawal of the rejection is requested.

(b) The examiner rejected claims 7, 13 and 18 under 35. U.S.C. § 112, second paragraph, as being indefinite because it is unclear how the switch blade extends to the mounting hole to contact the fastener. Claims 7, 13, and 18 have been amended to claim that the blade contacts the insert which forms the hole for the fastener. Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejections Based on 35 U.S.C. § 103(a)

The Examiner rejected claims 3 to 7, 12 to 14, 17, and 19 under 35. U.S.C. § 103(a) as unpatentable over Yamazaki et al. (US 5,243,856) in view of Flumignan et al. (US 4,431,884).

The examiner stated that Yamazaki et al. disclose “wherein said switch is located near a mounting hole formed in the fixed support which receives a fastener to secure the fixed support to the motor vehicle (see Fig 1) and wherein said switch extends to the mounting hole to contact the mounting hole to contact the fastener in the mounting hole to connect the switch to ground (well known).” Yamazaki et al. discloses a base plate (2) having a mounting portion (2b) which mounts to the vehicle floor. Yamazaki et al. is silent as to how the base plate (2) is mounted or whether there are any mounting holes in the mounting portion (2b). It is unclear what “mounting hole in the fixed support which receives a fastener” the examiner is referring to in figure 1. Furthermore, the examiner states that extending the switch to the mounting hole to connect the switch to ground is “well known” yet provides no support for this statement. The examiner appears to be referring to a pigtail extending from the switch (15) and through a clearance opening to pass the wires of the pig tail to the other side. In contrast, the present invention extends the switch blade to the mounting hole to electrically connect the blade to the fastener in the mounting hole to connect the switch to ground

Flumignan et al. disclose a snap action switch having a plastic housing (60) containing all of the switch electrical components. The switch is provided with a mounting bracket arm (54) which receives a mechanical fastener (58) to secure the switch to a carburetor housing (38). See column 4, lines 64 to 68 and figure 3. In contrast, the present invention eliminates the housing so that the electrical components are secured directly to the fixed support without the use of mechanical fasteners. The switch housing of the present invention is integrated into the support. Flumignan et al. does not reasonably disclose or suggest an integral switch housing.

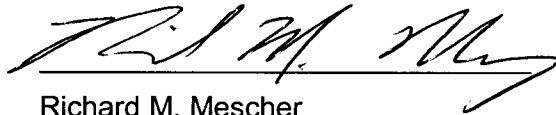
Independent claim 1, 11, and 18, and claims dependent therefrom, are allowable because they each include the limitation of “wherein said switch blade extends to the mounting hole to electrically connect the blade to the fastener in the mounting hole to connect the switch to ground.” Independent claim 11 further includes the limitation “wherein said fixed support and said unitary mounting bracket are molded of plastic as a one-piece component.” Independent claim 18 further includes the limitation “wherein said switch blade extends to the mounting hole to contact a conductive insert forming the mounting hole to electrically connect the switch to

ground". No prior art of record discloses or reasonably suggests the present invention as defined by independent claims 1, 11, and 18. Reconsideration and withdrawal of the rejection is requested.

IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. M. Mescher", written over a horizontal line.

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